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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,781	07/31/2000	Gregory J. Wolff	074451.P117	4872

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,781

Applicant(s)

WOLFF ET AL.

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-29 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-29 and 31-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-29 and 31-43 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. New corrected drawings are required in this application because they contain informal drawings (figs. 4, 7, 8); some figures are too dark (figs. 7 and 8), which makes the drawings' elements and details difficult to see, read and understand; some figures lack labels (figs. 6-8). Correction is required.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in figs. 6-8 as described in the specification. For example, placing a label, "Internet", with element 325 of figs. 7 and 8, or "remote controller" of element 200, and "text input area" of element 240 of fig. 6, would give the viewer

necessary detail to fully understand these elements without substantial analysis and interpretation of the specification. A descriptive textual label for each numbered element in all these figures would be needed. Any structural detail that is of sufficient importance to be described should be shown in the drawings. Optionally, applicant may wish to include a table next to each figure to fulfill this requirement.

Correction is required. See 37 CFR 1.83; 37 CFR 1.84(n)(o) is recited below:

“(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols, which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible.”

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1, 3-12, 21, 24-29, 31-35 and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by *Levy et al* (US 6,505,160 B1).**

Claims 1, 21, 29, 35, 37 and 38:

Levy discloses a system and method for linking audio and other multimedia data objects with metadata and actions via a communication network (computer, broadcast, wireless, etc). Levy teaches that media objects are transformed into active, connected objects via identifiers. Identifiers are extracted from the media object and forwarded to a server; the server maps the identifier to an action or re-directs the request to one or more other servers; the server may respond with an option for the user to buy the link and control the resulting action for the object with the identifier (col. 1, lines 27-58; col. 2, lines 15-23, 38-43, 53-61). Levy discloses a system having a controller for selecting an identifier associated with a media object and send a request to play the media object identified by an identifier; the controller sends the request over a wireless communication media; an appliance for receiving the request

having the identifier from the controller, for retrieving the media object from a first server via a network connection when the media object is not stored in the appliance, and for playing the media object (col. 4, lines 20-67; col. 5, lines 1-12, 56-65; col. 6, lines 3-67; col. 7, lines 1-12; col. 10, lines 4-29, 58-67).

Claims 3, 4, 5, 6, 7 and 34:

See claim 1. Levy teaches synchronization to enable the first means to have the identifiers associated with the media objects stored in the third means; first and second servers for storing the media object; an appliance for retrieving the media object from a second server when the media is not found in the first server (col. 3, lines 24-48; col. 4, lines 40-60, 62-67; col. 5, lines 1-13; col. 6, lines 29-50).

Claims 8-10, 12, 33 and 40:

Levy explains that a licensing server may be programmed to download software players and new music offerings compatible with those players. The licensing server may provide software for decrypting, decoding, and playing electronically distributed music according to usage rules packaged with the electronically distributed music. Levy teaches that the linking of the MP3 file enables the content owner to market music and products that promote the sale of audio objects in other formats, included formats protected with encryption (col. 6, lines 29-59).

Claim 11:

See claim 8. Levy teaches that in the event that a media object is not linked, the decoding and server processes can be programmed to enable the user to purchase a link for the object (col. 1, lines 55-58; col. 2, lines 53-61; col. 3, lines 15-21; col. 6, lines 60-67; col. 7, lines 1-12, 29-31).

Claims 24 and 39:

Levy teaches electronic transactions and payment information (col. 2, lines 62-67; col. 3, lines 1-23; col. 13, lines 49-67).

Claim 25:

Levy teaches an Internet browser (col. 6, lines 29-50). Computers and browsers use cache memory to load Web pages more quickly.

Claims 26 and 27:

Levy teaches capture devices. Levy explains that the decoding process may be implemented in a variety of devices or software that process media objects. These devices and software include programmable devices such as personal computers, personal digital assistants, personal stereos, tuners, televisions, etc. (col. 4, lines 25-32; col. 14, lines 34-40).

Claim 28:

Levy teaches audio and video objects (col. 10, lines 4-17).

Claim 31:

See claim 1. Levy teaches that a server may redirect a request when the object is not stored in it (col. 1, lines 41-55; col. 4, lines 40-67; col. 5, lines 1-12; col. 6, lines 43-51).

Claim 32:

Levy teaches access authorization and user ID for transactions (col. 2, lines 62-67; col. 3, lines 1-23; col. 13, lines 50-67; col. 14, lines 25-33).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levy* and *Dom et al* (US 6,166,735).

Claims 13, 14, and 22:

See claim 1. Levy teaches identifiers but it does not teach that identifiers are selected by selecting a visual representation of the media object. However, Dom

discloses a computer system for viewing and browsing video data objects provided from a remote repository over a network such as the Internet (col. 1, lines 7-13; col. 2, lines 9-39, 49-63). Dom teaches identifiers selected by selecting a thumbnail (video visual representation), (col. 5, lines 13-31, 66-67; col. 6, lines 1-9; col. 8, lines 12-20). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Levy to include thumbnail images for representing media objects because they not only can be used to invoke other functions but also provide the user with a general idea of what the image looks like before selecting it; it can be used for quick identification; as an aid in indexing, previewing and/or cataloging images; they facilitate downloading and reduce download time.

Claim 15:

Dom shows a group of thumbnails in fig. 3 (col. 9, lines 25-29).

8. Claims 16-20, 23, 36 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levy/Dom* and *Morris et al* (US 6,097,389).

Claims 16, 23 and 36:

Levy/Dom does not teach a second group including selected thumbnail images from a first group including all the stored thumbnail images. However, Morris

discloses a method and apparatus for providing a user interface for presenting a collection of digital media in a media container. Morris illustrates, in figs. 12B and 12F, two groups of thumbnails; the first group is in the thumbnail region 305 for displaying all the thumbnails 1265, and the second group is in the album page region 309 for displaying selected thumbnails 1261. Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Levy/Dom to include Morris's teaching of a first and second region for grouping thumbnails because they allow the user to create different collections of documents or media objects which may be desirable in some cases.

Claims 17-19 and 41-43:

See claims 1 and 16. Levy teaches playlist (col. 3, lines 24-48; col. 10, lines 58-67; col. 17, lines 4-8). Morris teaches a first subgroup including a list of thumbnails (media objects) and a second subgroup including one or more thumbnails (figs. 12B and 12F).

Claim 20:

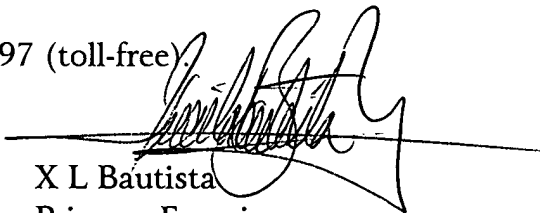
Levy discloses a microphone to record audio annotations (col. 14, lines 34-67; col. 15, lines 1-4). Morris teaches a text input area that enables users to enter information associated with the thumbnails (figs. 8A and 9; col. 10, lines 11-67; col. 11, lines 1-45).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (757) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Primary Examiner
Art Unit 2179

xlb
February 4, 2005